

**FEDERALISM IN PRACTICE A COMPARATIVE ANALYSIS OF CENTRE–STATE RELATIONS IN INDIA AND THE UNITED STATES**

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**Abstract**

Federalism remains one of the most significant constitutional mechanisms for managing diversity, distributing power, and sustaining democratic governance in large and plural societies. While the constitutional text defines the formal allocation of authority, the operational reality of federal systems depends upon political practice, judicial interpretation, fiscal arrangements, and intergovernmental negotiation. This paper undertakes a comparative analysis of centre–state relations in India and the United States to examine how federalism functions in practice rather than merely in theory. The study investigates constitutional architecture, legislative distribution, fiscal federalism, judicial arbitration, emergency provisions, and evolving political dynamics. The paper argues that although the United States represents a “coming together” federation characterized by constitutional symmetry and state autonomy, and India embodies a “holding together” federation with structural centralization, both systems demonstrate dynamic federal evolution. Judicial interpretation and fiscal instruments have significantly reshaped federal balance in both countries. The analysis concludes that federal resilience depends less on rigid constitutional text and more on institutional maturity, cooperative political culture, and adaptive governance mechanisms.

**Keywords:** Federalism, Centre–State Relations, Comparative Constitutionalism, Fiscal Federalism, Cooperative Federalism, Judicial Review

**1. Introduction**

Federalism is a constitutional arrangement that divides sovereign authority between at least two levels of government, each operating within its constitutionally defined sphere. It is not merely a structural design but a living political process shaped by historical circumstances, institutional culture, and power negotiation. Large and heterogeneous democracies often adopt federal frameworks to reconcile unity with diversity, national integration with regional autonomy, and central coordination with local governance.

The federal experiences of India and the United States present an instructive comparative case. The United States is historically regarded as the archetype of classical federalism, formed through a compact among previously sovereign states. India, by contrast, adopted a federal structure through constitutional design after independence, integrating diverse princely states and provinces into a unified polity. While the American model is frequently described as a “coming together” federation, India represents a “holding together” model where federalism was constitutionally engineered to maintain national unity.

This paper examines the functioning of centre–state relations in both countries through six dimensions: constitutional design, legislative distribution of powers, fiscal relations, judicial arbitration, emergency provisions, and contemporary political dynamics. The core research question guiding this analysis is: How do formal constitutional provisions interact with political practice to shape federal balance in India and the United States?

**2. Theoretical Foundations of Federalism**

Federal theory traditionally distinguishes between dual and cooperative models. Classical scholars such as K.C. Wheare described federalism as a system in which powers are divided and coordinate, not subordinate. The “dual federalism” model, often associated with early American practice, conceptualizes the federal and state governments as operating in

separate spheres. In contrast, “cooperative federalism” recognizes overlapping jurisdictions, shared responsibilities, and intergovernmental collaboration.

Modern federal theory also introduces distinctions between symmetrical and asymmetrical federalism, fiscal federalism, and competitive federalism. A symmetrical federation provides equal powers to all constituent units, while asymmetrical arrangements grant differentiated autonomy. Fiscal federalism focuses on the allocation of taxation and expenditure responsibilities to ensure efficiency and accountability.

The United States exemplifies a symmetrical coming-together federation. India, however, demonstrates asymmetry in both constitutional and political practice. Special provisions for certain states, differentiated administrative arrangements, and centralized fiscal authority reflect this asymmetry. These theoretical lenses provide the analytical foundation for examining federal practice in both countries.

### **3. Constitutional Architecture of Federalism**

#### **3.1 Federal Design in the United States**

The United States Constitution establishes a federal structure by enumerating specific powers for the federal government while reserving residual authority to the states under the Tenth Amendment. The Supremacy Clause ensures that federal law prevails over conflicting state legislation. Equal representation of states in the Senate reinforces the federal principle by protecting smaller states from domination by populous ones.

The American federal system emerged from a voluntary compact among states that previously enjoyed sovereignty under the Articles of Confederation. Consequently, states retain inherent authority except where explicitly limited by the Constitution. Constitutional amendments require ratification by three-fourths of the states, ensuring that federal restructuring cannot occur without broad state consent.

Despite this design, judicial interpretation particularly of the Commerce Clause and Necessary and Proper Clause—has expanded federal authority over time. Thus, while the constitutional text suggests decentralization, federal power has grown through jurisprudence and national policy imperatives.

#### **1. Enumerated Powers of the Federal Government**

The Constitution grants Congress specifically enumerated powers (Article I, Section 8), such as regulating interstate commerce, coining money, declaring war, and conducting foreign affairs.

The doctrine of enumerated powers establishes a *limited national government*. Unlike unitary systems, the federal government possesses only those competencies explicitly conferred. This structure was intended to prevent central overreach and preserve state autonomy. However, interpretation of clauses such as the Commerce Clause and Necessary and Proper Clause has gradually broadened federal competence. Thus, the enumerated framework operates as both a limiting and expandable constitutional mechanism, depending on judicial interpretation.

#### **2. The Tenth Amendment and Reserved Powers**

The Tenth Amendment reserves to the states or the people all powers not delegated to the federal government nor prohibited to the states.

This amendment constitutionally entrenches state sovereignty. It reinforces the principle that states are not administrative units of the centre but coordinate authorities within the federation. In theory, this creates a dual federal model with distinct spheres of governance. In practice, however, federal regulatory expansion—particularly during the New Deal era—has narrowed the operational scope of reserved powers. The Tenth Amendment functions more as a structural principle than an absolute shield against federal intervention.

### **3. Supremacy Clause**

The Supremacy Clause (Article VI) establishes that federal law prevails over conflicting state law.

While the Tenth Amendment safeguards state authority, the Supremacy Clause ensures national coherence. It prevents legal fragmentation and maintains uniformity in matters of national concern. This clause embodies the hierarchical dimension of American federalism: although powers are divided, federal law ultimately dominates within its constitutional sphere. The tension between state autonomy and federal supremacy defines much of American constitutional litigation. The balance between these principles shapes the dynamic nature of U.S. federalism.

### **4. Equal Representation in the Senate**

Each state receives equal representation in the Senate, regardless of population size.

This institutional arrangement constitutionalizes federal equality. It protects smaller states from demographic domination by larger ones and embeds federalism within the legislative process itself. Unlike proportional representation in the House of Representatives, the Senate ensures that federal legislation requires consent from geographically diverse political units. This design strengthens state influence at the national level and acts as a structural check on central majoritarianism. It is one of the most rigid features of the Constitution, as equal state representation cannot be amended without state consent.

### **5. Amendment Process and State Ratification**

Constitutional amendments require approval by two-thirds of Congress and ratification by three-fourths of the states.

The amendment procedure entrenches federalism by requiring broad intergovernmental consensus for structural change. It prevents unilateral constitutional alteration by the national government. This mechanism reflects the federal compact theory: states remain foundational actors in constitutional evolution. Consequently, federal restructuring—such as expansion of rights or alteration of institutional design—must secure widespread state participation. The difficulty of amendment also contributes to judicial constitutional interpretation playing a prominent role in adapting federal arrangements over time.

### **Synthesis**

The constitutional architecture of American federalism rests on a deliberate equilibrium between limitation and supremacy, autonomy and uniformity, decentralization and national coherence. Although the textual design favors state sovereignty through enumerated powers and the Tenth Amendment, federal authority has expanded through judicial interpretation and national policy imperatives. Thus, the American model illustrates how constitutional structure and constitutional practice may diverge, producing an evolving form of cooperative federalism within a formally dual framework.

### **3.2 Federal Design in India**

The Constitution of India establishes a federal framework with a strong central bias. Legislative powers are divided into Union, State, and Concurrent Lists under the Seventh Schedule. Unlike the American model, residuary powers are vested in the Union Parliament rather than the states. This allocation reflects the framers' concern for national unity following partition and regional fragmentation.

The upper house, the Rajya Sabha, represents states but does not possess equal legislative authority comparable to the U.S. Senate. Constitutional amendments affecting

federal provisions require ratification by at least half of the states, yet Parliament retains substantial initiating authority.

India's federal structure was designed to integrate diverse linguistic, cultural, and regional identities within a unified constitutional order. State boundaries were reorganized primarily on linguistic lines after independence, underscoring the adaptive nature of Indian federalism.

### **1. Threefold Distribution of Legislative Powers (Seventh Schedule)**

The Constitution divides legislative authority into three lists: the Union List, State List, and Concurrent List.

This tripartite distribution reflects a carefully engineered federal arrangement. The Union List contains subjects of national importance (defence, foreign affairs, currency), while the State List includes matters of regional governance (police, public order, agriculture). The Concurrent List allows both Parliament and state legislatures to legislate, though Union law prevails in case of conflict. Unlike the American system, where federal powers are enumerated and states retain general competence, India explicitly specifies both central and state domains. The presence of a Concurrent List institutionalizes cooperative federalism but structurally favors the Centre in legislative conflicts.

### **2. Residuary Powers Vested in the Union**

Unlike the United States, residuary powers (subjects not enumerated in any list) are assigned to Parliament.

This allocation signals a centralizing bias in Indian federalism. It reflects the framers' concern for maintaining national unity in a newly independent and diverse nation. By contrast, in classical federations like the United States, residual authority strengthens state sovereignty. In India, vesting residuary power in the Union ensures adaptability to emerging policy areas (e.g., technology, digital regulation) without constitutional ambiguity. However, it also enhances the Centre's legislative scope, reinforcing a quasi-federal character.

### **3. Strong Centralizing Provisions (Articles 249, 252, 356)**

The Constitution permits Parliament to legislate on State List subjects under specific conditions, including national interest and during emergencies.

Articles 249 and 252 allow central legislation on state matters with Rajya Sabha approval or state consent. Article 356 authorizes President's Rule in case of constitutional breakdown in a state. These provisions demonstrate that Indian federalism incorporates unitary features within a federal framework. The Constitution enables temporary centralization to preserve national stability. While such mechanisms provide flexibility in crisis management, they also raise concerns about potential political misuse. Judicial intervention has been crucial in limiting arbitrary application.

### **4. Integrated Administrative Structure and All India Services**

India maintains All India Services, such as the Indian Administrative Service (IAS) and Indian Police Service (IPS), whose officers serve both Union and state governments.

This integrated bureaucratic framework distinguishes Indian federalism from classical dual federal models. Administrative integration promotes uniform standards, policy continuity, and coordinated governance across states. It strengthens national cohesion and facilitates implementation of central schemes at the state level. However, it simultaneously reduces administrative autonomy of states, as key officials are recruited and regulated centrally. This model reflects cooperative yet centrally influenced federalism.

### **5. Flexible Amendment Procedure with Federal Safeguards**

Constitutional amendments affecting federal provisions require ratification by at least half of the states, though Parliament initiates amendments.

India's amendment process blends rigidity and flexibility. Unlike the United States, which requires three-fourths state ratification for all amendments, India differentiates between ordinary and federal amendments. This structure allows constitutional adaptability while preserving state participation in core federal matters. The relative ease of amendment compared to the U.S. Constitution has enabled institutional evolution (e.g., GST framework). At the same time, the Supreme Court's Basic Structure Doctrine restricts Parliament from altering the fundamental federal character of the Constitution, thereby constitutionally entrenching federalism beyond procedural amendment.

### **Synthesis**

Indian federal design combines federal distribution of powers with pronounced centralizing mechanisms. The structural allocation of residuary authority, emergency provisions, and administrative integration distinguishes it from classical dual federalism. While constitutionally federal, India incorporates unitary features to maintain national integration in a diverse polity. The system operates as a dynamic blend of centralized authority and cooperative intergovernmental negotiation.

### **4. Distribution of Legislative and Administrative Powers**

In the United States, federal authority is limited to enumerated subjects such as defense, interstate commerce, taxation, and foreign policy. States retain "police powers" over public health, education, and local governance. However, expansive interpretation of interstate commerce has allowed Congress to regulate activities with indirect national implications. In India, the Union List contains subjects of national importance such as defense, foreign affairs, currency, and atomic energy. The Concurrent List allows both Parliament and state legislatures to enact laws, but in cases of conflict, Union law prevails. Provisions such as Article 249 permit Parliament to legislate on state subjects in the national interest, further strengthening the Centre.

Administrative relations also reveal divergence. India maintains All India Services, such as the Indian Administrative Service (IAS), whose officers serve both Union and state governments, reinforcing central influence in state administration. The United States lacks such a unified bureaucratic structure.

Thus, while both systems recognize divided authority, India institutionalizes central coordination more explicitly.

### **5. Fiscal Federalism and Financial Relations**

Fiscal arrangements significantly shape federal balance. In the United States, both federal and state governments possess independent taxation authority. States levy income, sales, and property taxes, enabling substantial fiscal autonomy. Federal grants-in-aid, often conditional, influence state policy but do not eliminate independent revenue capacity.

In India, vertical fiscal imbalance is more pronounced. The Union government controls major revenue sources such as income tax, customs, and excise duties. The Finance Commission periodically recommends tax devolution to states. The introduction of the Goods and Services Tax (GST) institutionalized shared taxation through the GST Council, representing both Union and state governments.

While American states negotiate federal conditions from a position of relative fiscal strength, Indian states operate within a more structured redistributive framework. Fiscal dependence in India strengthens cooperative mechanisms but may constrain state autonomy.

**6. Judicial Arbitration and Federal Balance**

In both countries, the judiciary functions as the guardian of constitutional federalism. The U.S. Supreme Court has historically expanded and occasionally restricted federal authority through landmark interpretations of the Commerce Clause and federal supremacy.

In India, the Supreme Court developed the Basic Structure Doctrine, recognizing federalism as part of the Constitution’s foundational framework. Judicial review has curbed misuse of emergency powers and clarified limits of central intervention in state affairs.

Thus, in both systems, courts serve as arbiters of intergovernmental disputes and protect the structural balance of the federation.

**7. Emergency Provisions and Federal Override**

A striking divergence appears in emergency mechanisms. The U.S. Constitution does not permit dissolution or suspension of state governments. Federal intervention occurs primarily through statutory or security mechanisms but does not transform the federal structure into a unitary system.

India’s Constitution, however, authorizes National Emergency and President’s Rule, allowing temporary centralization of power. During such periods, Parliament may legislate on state subjects, and state governments may be suspended. Although judicial scrutiny has limited arbitrary use, these provisions demonstrate the flexibility—and centralizing potential—of Indian federalism.

**8. Political Dynamics and Contemporary Challenges**

Political practice profoundly influences federal functioning. In India, coalition governments during the 1990s strengthened state influence in national policymaking. Recent majoritarian phases have reasserted central dominance, particularly in fiscal and administrative matters.

In the United States, partisan polarization has intensified conflicts between federal and state authorities, particularly in areas such as immigration, environmental regulation, and social policy. States increasingly assert policy autonomy, reflecting competitive federalism.

Both federations face challenges of balancing national coordination with regional aspirations in an era of globalization, economic interdependence, and identity politics.

**Comparative Constitutional Architecture of Federalism**

**India and the United States: Structural Comparison with Analytical Interpretation**

**A. Comparative Structural Matrix**

<b>Dimension</b>	<b>United States</b>	<b>India</b>
<b>Historical Origin</b>	Coming-together federation formed by sovereign states	Holding-together federation formed through constitutional integration
<b>Distribution of Powers</b>	Enumerated federal powers; residual powers with states (Tenth Amendment)	Three lists (Union, State, Concurrent); residual powers with Union
<b>Supremacy Principle</b>	Federal law supreme within enumerated domain	Union law prevails in Concurrent List conflicts

<b>Upper House Representation</b>	Equal state representation in Senate	Rajya Sabha represents states but not equally powerful as Lok Sabha
<b>Emergency Override</b>	No constitutional dissolution of states	National Emergency & President's Rule permit temporary centralization
<b>Administrative Structure</b>	Separate federal and state bureaucracies	Integrated administrative services (IAS, IPS)
<b>Amendment Procedure</b>	Requires 3/4 state ratification	Requires half of states for federal provisions
<b>Symmetry</b>	Largely symmetrical federalism	Asymmetrical elements (special provisions, differential autonomy)

## **B. Analytical Interpretation**

### **1. Foundational Philosophy: Compact vs. Integration**

The United States reflects the **compact theory of federalism**, where pre-existing states voluntarily delegated limited authority to a central government. Federalism emerged as a means of balancing collective security with state sovereignty.

India, conversely, reflects an integrationist design. Federalism was constitutionally crafted to maintain territorial unity following colonial rule and partition. The Indian model prioritizes national consolidation over original state sovereignty.

#### **Comparative Insight:**

American federalism begins with state primacy; Indian federalism begins with national unity.

### **2. Allocation of Residual Powers: Decentralized vs. Centralized Bias**

The Tenth Amendment in the U.S. constitutionally protects state residual authority. This strengthens structural decentralization and reinforces the notion that federal power must be justified through textual authorization.

In India, residuary powers lie with the Union Parliament. This decision reflects concerns about fragmentation and governance capacity in a newly independent nation.

#### **Comparative Insight:**

The American model structurally decentralizes authority; the Indian model constitutionally anticipates central leadership.

### **3. Legislative Supremacy and Federal Balance**

Both systems recognize federal supremacy within constitutionally assigned domains. However, in the U.S., federal supremacy operates within a narrower enumerated framework. In India, the Concurrent List allows overlap, and Union law prevails in conflict.

#### **Comparative Insight:**

American supremacy is domain-specific; Indian supremacy is structurally embedded in overlapping competencies.

#### **4. Emergency Federalism and Crisis Governance**

The United States does not permit suspension or takeover of state governments under constitutional emergency provisions. Even during civil war or national crisis, states retain institutional continuity.

India's Constitution allows temporary transformation into a quasi-unitary system during emergencies. President's Rule permits central control of state governance when constitutional machinery fails.

##### **Comparative Insight:**

American federalism emphasizes structural rigidity; Indian federalism emphasizes constitutional flexibility.

#### **5. Institutional Representation of States**

The U.S. Senate provides equal representation regardless of population, embedding federal equality directly within legislative structure. This creates a strong institutional voice for states at the national level.

India's Rajya Sabha represents states but allocates seats roughly by population, and its legislative authority is not fully co-equal with the Lok Sabha in all matters.

##### **Comparative Insight:**

The U.S. structurally entrenches state equality; India balances federal representation with democratic proportionality.

#### **6. Administrative Federalism: Dual vs. Integrated**

American federalism maintains distinct federal and state bureaucratic systems, reinforcing dual sovereignty.

India's All India Services create administrative integration, facilitating national policy implementation across states.

##### **Comparative Insight:**

The U.S. model preserves operational separation; the Indian model institutionalizes coordinated administration.

#### **7. Constitutional Adaptability and Evolution**

The U.S. Constitution is difficult to amend, leading to greater reliance on judicial interpretation for federal evolution.

India's relatively flexible amendment procedure has enabled structural reforms (e.g., GST institutionalization) through parliamentary action combined with state ratification.

##### **Comparative Insight:**

American federalism evolves primarily through judicial doctrine; Indian federalism evolves through legislative constitutional reform.

#### **C. Concluding Comparative Assessment**

The constitutional architectures of India and the United States reveal two distinct federal philosophies:

- The United States embodies classical dual federalism rooted in state sovereignty, later modified through judicial expansion of federal authority.
- India embodies a centralized cooperative federalism designed to preserve unity in diversity, with built-in mechanisms for temporary unitary transformation.

Yet in practice, both systems converge toward negotiated intergovernmental cooperation. Judicial interpretation, fiscal arrangements, and political dynamics have blurred rigid constitutional boundaries.

Thus, constitutional architecture provides the structural skeleton of federalism, but lived federalism emerges through institutional practice and political culture.

## 9. Conclusion

The comparative study of federalism in India and the United States reveals that constitutional design provides only the structural framework; practical federal balance emerges through political negotiation, fiscal arrangements, and judicial interpretation. The United States embodies a historically decentralized model that has experienced gradual federal expansion through judicial doctrine and national policy demands. India, while constitutionally centralized, operates through increasingly cooperative and negotiated mechanisms, particularly in fiscal governance.

Federalism in both countries is dynamic rather than static. Its endurance depends upon institutional maturity, respect for constitutional boundaries, and a political culture committed to shared governance. Ultimately, federal resilience arises not merely from textual allocation of powers but from continuous dialogue between national and regional authorities within a constitutional democracy.

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